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11
12 **SUPERIOR COURT OF STATE OF ARIZONA**
13 **COUNTY OF YAVAPAI**

14 **STATE OF ARIZONA,**

15 Plaintiff,

16 vs.

JAMES ARTHUR RAY,

17 Defendant.

CASE NO. V1300CR201080049

Hon. Warren Darrow

DIVISION PTB

**DEFENDANT JAMES ARTHUR RAY'S
NOTICE OF INTENT AND REQUEST
TO INTRODUCE IMPEACHMENT
EVIDENCE OF CONVICTION OF
CRIME(S) PURSUANT TO ARIZ. R. OF
EVID. 609, RE: RICK ROSS AND FAWN
FOSTER**

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22 Defendant James Arthur Ray, by and through undersigned counsel, hereby requests that
23 this Court allow him to introduce for purposes of impeachment evidence of witnesses Rick Ross's
24 prior felony conviction and Fawn Foster's four prior felony convictions. This motion is
25 supported by the following Memorandum of Points and Authorities.

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expert witnesses.”). This Court should therefore allow Mr. Ross’s felony conviction to be admitted in evidence for purposes of impeachment.

Fawn Foster

Fawn Lee Foster, a witness to be called in the State’s case-in-chief, has been convicted of four (4) felonies, as follows:

- On July 14, 1997, Fawn Lee Foster was convicted of Aggravated Driving Under the Influence, a class 4 felony, in Yavapai County Superior Court Cause No. CR9970176. The date of offense was June 1, 1997.
- On February 8, 2006, Fawn Lee Foster was convicted of Possession of Marijuana, a class 6 felony, and Possession of Drug Paraphernalia, a class 6 felony, in Yavapai County Superior Court Cause No. CR820050156. The date of the offenses was February 6, 2005.
- On November 13, 2006, Fawn Lee Foster was convicted of Possession of Drug Paraphernalia, a class 6 felony, in Yavapai County Superior Court Cause No. CR820060728. The date of the offense was October 9, 2006.

The probative value of these four convictions, only one of which is more than ten years old, substantially outweighs their prejudicial effect.

“Generally, in cases involving prior felony convictions,” the party seeking to introduce the conviction “need only come forward with the date, place, and nature of the prior conviction in order to satisfy its initial burden of showing probative value.” *State v. Williams*, 144 Ariz. 433, 438 (1985). Moreover, as noted above, Mr. Ray is constitutionally entitled to a full and complete cross-examination of the State’s witnesses, including the ability to elicit information that will allow the jury to fully review a witness’s credibility. *See Conroy, supra*, 131 Ariz. at 530. This Court should therefore allow Fawn Foster’s felony convictions to be admitted in evidence for purposes of impeachment.

1 DATED: February 3rd, 2011

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6 By: 

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9 Copy of the foregoing delivered this 3rd day
of February, 2011, to:

10 Sheila Polk
11 Yavapai County Attorney
12 Prescott, Arizona 86301

13 by 